

**PROCEDURE RE: RETROACTIVE AMENDMENTS TO  
CRACK COCAINE AMENDMENTS EFFECTIVE NOVEMBER 1, 2011**

Effective November 1, 2011, amendments to several sections of the United States Sentencing Guidelines will take effect. The Commission has made the amendments to §2D1.1 and §1B1.10 addressing the offense levels for offenses involving crack cocaine retroactive, effective that date. Accordingly, unless this amendment is modified or disapproved by Congress before November 1, a number of defendants who were previously sentenced in the District of Connecticut will be eligible for reductions in their prison terms under 18 U.S.C. § 3582(c)(2).

The Probation Office will begin producing and filing presentence report (PSR) addenda to the Court shortly after receipt and analysis of the Sentencing Commission's list of potentially eligible inmates. The addendum will include the original PSR and the Statement of Reasons. The addendum will set forth a recommendation of eligibility/ineligibility and will specifically articulate the reasons for ineligibility, as well as set forth the new guideline range where applicable.

Defendants and their counsel may file motions in which there is a claim to eligibility for a reduction. Counsel who were previously appointed pursuant to the CJA are advised to file new motions for appointment as counsel for purposes of seeking relief under 3582(c)(2). The new representation type is "CK2" for "crack cocaine retroactive amendment."

The Probation Office will issue an addendum to the PSR in any case in which a motion is filed, offering an opinion on the defendant's eligibility for a reduction, within 14 days of the filing of the motion.

In any case in which an addendum is issued relating to eligibility for a reduction in sentence, the Court should allow 21 days for the parties to respond to the addendum, if they wish to respond, before issuing an AO 247 Order Regarding Motion for Sentence Reduction. The Court may construe the absence of a response as a party's agreement with the conclusions set forth in the addendum.

In any case in which no addendum has been issued and no motion has been filed seeking a reduction, but the Court feels that relief may be appropriate, the Court should contact the crack cocaine working group to request that the case be evaluated. This may be done informally by emailing: USPO Ray Lopez (Raymond\_Lopez@ctp.uscourts.gov), AUSA Sandy Glover (Sandra.Glover@usdoj.gov), and AFD Sarah Merriam (Sarah\_Merriam@fd.org). There is no need for the issuance of a formal order to show cause in ordinary circumstances.

Due to the large number of cases that require evaluation in this process, every effort will be made to prioritize those in which some form of immediate relief may be available – in the form of actual release, transfer to a halfway house, or transfer to the RDAP program. To this end, priority will be given to those defendants with current projected release dates in 2011 through 2015, to ensure that any defendant for whom immediate relief is possible will receive a ruling as soon as practicable to go into effect upon or after the November 1, 2011, effective date.